

SUBJECT No. 57.

Magisterial powers to Sub Registrars.

Mr. S. R. Balakrishna Rao, B.A.,
LL.B., Advocate, Shimoga Municipality.

Summary of discussion.—The recent re-organization of the Registration Department has given the Sub-Registrars better prospects. Some of these officials may be entrusted with Magisterial powers; and in such places, the Amildars may be divested of their powers. This will be a good experiment for the separation of the executive and judicial functions. If all cannot be invested, at least the 1st Grade Sub-Registrars may be tried.

Reply of Government.—This subject was brought up in 1903 also, and it was only recently decided that it is not expedient to assign magisterial work to Sub-Registrars at this stage (*vide* Government Order No. 1772-93—Regn. 7-6, dated 4th January 1905).

SUBJECT No. 58.

Copy of Khetwar to be kept at Sub-Registrar's Office.

Mr. Danti Naranappa of Sidlaghatta.

Summary of discussion.—Index books maintained in the Sub-Registrar's Office do not show full particulars regarding the residence, etc., of the executant. It is therefore difficult to find out transfers of lands. It is proposed that a copy of the Khetwar of each village may be ordered to be kept in the Sub-Registrar's Office so that needful entries may be made against survey numbers to facilitate references.

Reply of Government.—The particulars required as to residence, occupation, etc., can be had from the nominal Index. It is not clear how a further description of the executant as suggested will help to find out transfers of lands. At present claimants are encouraged to obtain Vargrajinamas from executants of transfers of entire Survey numbers or of recognized shares of Survey numbers and present them to Sub-Registrars who forward them to Amildars for verification. The maintenance of a separate register in each Sub-Registrar's office to show the succession of title to each Survey number registered is not feasible.

SUBJECT No. 59.

Registration of Koru saguvali chits.

Mr. T. Devappa, Shikarpur Taluk.

Summary of discussion.—There is no provision in the Stamp Act as to what should be the value of the Stamp paper on which Koru saguvali chits tenable for one year are to be written. The quantity of produce to be given cannot be mentioned in the chit as the stipulation will be that he should give produce just like his neighbours. When the quantity is not mentioned, Rs. 5 will have to be paid for Registration fees. This is too heavy a charge and so Koru saguvali chits cannot be registered. The Inspector-General of Registration when touring in these parts said that saguvali chits should be registered. It has mostly been the practice to give lands for Koru saguvali and not for "Geni saguvali" (quantity of fixed produce) and therefore it is requested that orders may be passed to allow the same privileges for the registration of Koru saguvali chits as in the case of Geni saguvali chits where no mention will

have been made of the quantity of produce to be given to the khatedars.

Reply of Government.—The remedy appears to lie in the parties specifying the maximum amount recoverable under the chit. The Deputy Commissioner, however, will be asked to enquire and report whether there are many cases of this kind and whether there is any real hardship.

SUBJECT No. 60.

Hypothecation deeds involving immovable property worth less than Rs. 100 to be registered.

Mr. T. Devappa, Shikarpur Taluk.

Summary of discussion.—The registration of hypothecation deeds involving immovable property worth less than Rs. 100 is not compulsory and consequently there is scope for persons to deceive the money-lenders by hypothecating the same property to more than one person and getting only one of the documents registered. In Civil Courts preference is given to registered documents. It should therefore be ruled that all documents involving immovable property worth Rs. 100 or less should be registered. This will prevent fraud.

Reply of Government.—This is not expedient. Judging from the growing number of optional registrations, no compulsory provision seems called for.

SUBJECT No. 61.

Registration fees on documents.

Messrs. Subba Rao of Heggoddevankote; Krishna Rao of T. Narsipur; Padmanna of Nanjangud Taluk; Chandrasekharaiya and Gundappa of Nagamangala; Lingegowda of Mysore Taluk; Shamu Iyengar of Chamrajnagar; Amble Annaiya Pandit, Mysore District board; Sahnkar Nagappa, Manjaiya Uduparu, Nagar Taluk; Y. Subba Rao, Sagar Taluk; Padmarajaiya, Krishnappa, Channarayana Taluk; G. Subba Rao, Hole-Narsipur Taluk; Huteerogowda, Gubbi Taluk; Desatulakanni Dasappa, Channalingappa of Nela-mangala Taluk; Ranga Iyengar of Channarayana Taluk; Shanbhog Shamaia of Kankanhalli Taluk; Varadachar and Narasimhaiya of Chikballapur; Chikkannaiya of Goribidnur; Naranappa of Siddaghatta; B. Sitaramaiya of Chikmagalur Taluk; Srikantaiya, Maddagiri Taluk; Chikramanna and Suryanarappa, Kolar Taluk.

Summary of discussion.—According to the new Registration Rules, much difficulty is felt by the public owing to the recovery of a fee of two annas for every 100 words in a document. As per old rules, a fee of four annas was being levied on every 100 words in excess of the first 300 words. As the Government income increases, the public expect proportionate good. As the new rules have proved a hardship, it is prayed that Government may be pleased to pass proceedings discontinuing the levy of fees in proportion to the words contained in the document.

Reply of Government.—It is only an experiment and will be reconsidered after a year, if necessary.

SUBJECT No. 62.

Sub-Registrars' fees for registration of documents at the residence of the parties.

- (a) Messrs. Ameen Krishnappa and Sivappa Deekshit, Shikarpur Taluk.
(b) Messrs. Varadachar and Y. Narasimhaiya of Chikballapur.

Summary of discussion.—(a) Sub-Registrars when required to register documents at places other than their office, charge a commission of Rs. 10 as fees and a mileage of four annas. This is heavy. Many cannot ask the Sub-Registrars to go to their villages for registration. It is therefore requested that the mileage of Sub-Registrars may be ordered to be paid out of the commission amount instead of making it an additional levy.

(b) The rate of Rs. 10 fixed as commission to be paid to Sub-Registrars for registration at private residences is high. The rate may be reduced to five rupees.